

RULEMAKING NOTICE

Notice Number _____	Rule Number _____	Env-Wq 800
1. Agency Name & Address:	2. RSA Authority:	RSA 485-A:6, X-a
3. Federal Authority:		
4. Type of Action:		
Adoption	_____	
Amendment	_____	
Repeal	_____	
Readoption	_____	
Readoption w/amendment	X	

5. Short Title: Sludge Management

6. (a) Summary of what the rule says and of any proposed amendments:

Env-Wq 800 implements RSA 485-A:4, XVI-b by establishing standards, criteria, and procedures for a permit system to manage the removal, transportation, and disposal of sludge. The existing rules are scheduled to expire on May 23, 2015, and so are proposed to be readopted to continue the Sludge Management program. **The existing rules will continue in effect pursuant to RSA 541-A:14-a, I, subject to the conditions specified therein.** As part of the readoption, amendments are being proposed to (1) add definitions for terms that are used in the rules and delete definitions of terms that are not used in the rules; (2) move statutory definitions to an appendix so rulemaking will not be required if the definitions change; (3) clarify the existing rules re: who is required to do what and by restructuring long sections into shorter sections; and (4) make substantive changes to the rules based on stakeholder input received over the past year, including but not limited to the following:

- a. Exempt sludge management activities incidental to the operation of water treatment facilities permitted under RSA 485;
- b. Include phosphorus as a nutrient of concern and potential limiting factor in agronomic use;
- c. Conduct public hearings if requested instead of automatically;
- d. Allow permit renewal applications to be filed before expiration instead of requiring renewal applications to be filed a specified number of days in advance of expiration;
- e. Eliminate application information, testing, and reporting that have been shown to be unnecessary;
- f. Base how many samples are required on how much sludge is produced;
- g. Extend the duration of site permits and facility permits from 5 years to 10 years and add a no-fee renewal process for sludge quality certifications (SQCs); and
- h. Require reporting of each address where ≥ 20 yd³ of class A biosolids (alone or in mixtures) is delivered.

6. (b) Brief description of the groups affected:

The rules affect any owner or operator of a wastewater treatment plant that generates sludge, a land application site, or a facility that otherwise treats, manages, or disposes of sludge.

6. (c) Specific section(s) of state statute or federal statute or regulation which the rule is intended to implement:

Rule	State Statute(s) Implemented
Env-Wq 800 (see also specific part listed below)	RSA 485-A:4, XVI-b; RSA 485-A:6, X-a
Env-Wq 811	RSA 541-A:22, IV

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: Mike Rainey	Title: Administrator III
Address: NH Dept. of Environmental Services 29 Hazen Drive; P.O. Box 95 Concord, NH 03302-0095	Phone #: (603) 271-2818 Fax#: (603) 271-4128 E-mail: michael.rainey@des.nh.gov

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The rules also can be viewed in PDF at
<http://des.nh.gov/organization/commissioner/legal/rulemaking/index.htm>

TTY/TDD Access: Relay NH 1-
800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **4:00 p.m. on Friday, July 10, 2015**

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Tuesday, June 30, 2015 at 6:00 PM**

Place: **Auditorium, DES Offices, 29 Hazen Drive, Concord NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant): FIS # 15:078 , dated 04/29/15:

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When compared to the existing rules, the proposed rules will decrease costs to political subdivisions and independently owned businesses by an indeterminable amount, and decrease State general fund revenue by approximately \$2,460 per year.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

To the extent a political subdivision or independently owned business generates or manages sludge, the proposed rules will result in an indeterminable reduction in costs. The reduction in costs are the result of eliminating testing for certain compounds; reducing the number of samples required for generators generating less than 1,600 dry tons per year and for small batches; and extending the duration of site and facility permits from 5 to 10 years and adding a no fee renewal process for sludge quality certifications (SQC). Additionally, the proposed rules eliminate certain recordkeeping and reporting requirements thereby easing the burden of compliance for independently owned businesses. The table below provides the proposed change in rule resulting in a cost reduction.

Proposed Change	Cost Reduction
Eliminating initial, on-going testing for pesticides	\$80 per sample
Reducing # of samples required for smaller amounts of sludge	\$1,300 for each sample no longer needed
Extending duration of site permit from 5 years to 10 years	\$300 in each 10-year period for private facilities*
Extending duration of facility permit from 5 years to 10 years	\$1,000 in each 10-year period for private facilities*
No-fee renewal of sludge quality certification	\$1,000 in each 10-year period for private facilities*

*NH public facilities are exempted from the fee.

The extension of the duration of site and facility permits and the addition of a no fee renewal process for SQC will reduce State general fund revenue by approximately \$2,460 per year.

A. To State general or State special funds:

See 3 above.

B. To State citizens and political subdivisions:

See 3 above. No impact on State citizens.

C. To independently owned businesses:

See 3 above.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rules are expected to reduce costs for anyone choosing to manage sludge pursuant to this program, including political subdivisions. The rules thus do not create, modify, or expand any program in such a way as to necessitate additional local expenditures, and so do not violate Part I, Article 28-a of the N.H. Constitution.